

No: 7:11-CR-00117-BR

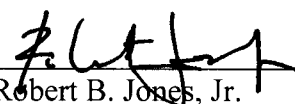
Defendant.

ORDER

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(denying a request for documents at government expense where defendant “failed to set forth specific factual allegations in support of a § 2255 motion which would enable the court to determine whether it was frivolous, and . . . has not established that he needs the copies of court documents and transcripts to set forth in summary form the facts in support of a § 2255 claim”). Thus, “[t]o grant [Defendant’s] request at this juncture would only encourage a ‘fishing expedition’ by [D]efendant at the expense of the government.” *Id.* However, Defendant may be able to show a particularized need for the requested documents in the future. *See United States v. McLean*, No. 5:10-CR-00125-H, 2011 WL 5870045, at *1 (E.D.N.C. Nov. 22, 2011) (unpublished) (denying a motion for reconsideration and noting that “[o]nce Defendant has commenced a Section 2255 proceeding, discovery may thereafter be available and that if [Defendant] qualifies for *in forma pauperis* status, he may be eligible to receive copies of the transcripts at the Government’s expense at that time”). Finally, the discovery packet Defendant seeks was not filed in his case. The Clerk of Court shall provide a copy of Defendant’s request to attorney Robert Hale, Jr. so that he may respond as appropriate.

SO ORDERED, this 2 day of December 2015.


Robert B. Jones, Jr.
United States Magistrate Judge